

EXHIBIT 48

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

4 -----x
5 COALITION FOR TJ, :
6 Plaintiff, :
7

2022-2023 GRADUATE CATALOGUE 101 2022-2023 GRADUATE

9 BOARD, :
0 MONTGOMERY COUNTY SCHOOLS : 1.21 CV 00250 CRM 01A

10 Defendant. : :

11 -----x

12 Deposition of Coalition for TJ

13 | By and through its Designee

14 | GLENN MILLER

15 McLean, Virginia

16 | Monday, October 18, 2021

17 2:18 p.m.

18

19

20 | Job No.: 404859

21 | Pages: 1 - 137

22 | Reported by: Judith E. Bellinger, RPR, CRR

Transcript of Glenn Miller, Designee

Conducted on October 18, 2021

2

1 Deposition of GLENN MILLER, held at the
2 offices of:

3
4 HUNTON ANDREWS KURTH LLP

5 8405 Greensboro Drive
6 Suite 140
7 McLean, VA 22102
8 703.714.7400

9

10

11

12

13

14 Pursuant to notice, before Judith E.
15 Bellinger, Registered Professional Reporter,
16 Certified Realtime Reporter, and Notary Public in
17 and for the Commonwealth of Virginia.

18

19

20

21

22

Transcript of Glenn Miller, Designee

Conducted on October 18, 2021

3

1 A P P E A R A N C E S

2

3 ON BEHALF OF THE PLAINTIFF:

4 GLENN E. ROPER, ESQUIRE

5 PACIFIC LEGAL FOUNDATION

6 1745 Shea Center Dr., Suite 400

7 Highlands Ranch, CO 80129

8 GEROOPER@pacificlegal.org

9

10 ON BEHALF OF THE DEFENDANT:

11 SONA REWARI, ESQUIRE

12 DANIEL STEFANY, ESQUIRE

13 HUNTON ANDREWS KURTH LLP

14 2200 Pennsylvania Avenue NW

15 Washington, D.C. 20037

16 202.955.1974

17

18

19

20

21

22

Transcript of Glenn Miller, Designee

Conducted on October 18, 2021

4

| | | |
|----|---|------|
| 1 | C O N T E N T S | |
| 2 | EXAMINATION OF GLENN MILLER | PAGE |
| 3 | By Ms. Rewari | 6 |
| 4 | By Mr. Roper | 131 |
| 5 | E X H I B I T S | |
| 6 | (Attached to the transcript) | |
| 7 | Coalition Exhibits: | PAGE |
| 8 | Exhibit 12 Predictions for Fairfax County | 26 |
| 9 | Public Schools Lottery Plan for | |
| 10 | Thomas Jefferson High School For | |
| 11 | Science and Technology | |
| 12 | Exhibit 13 Email from Helen Miller to various | 68 |
| 13 | recipients, September 29, 2020 | |
| 14 | Exhibit 14 Coalition for TJ "Second-Look | 77 |
| 15 | Semifinalist" Alternative to Merit | |
| 16 | Lottery | |
| 17 | Exhibit 15 Enhancing Diversity in Training | 103 |
| 18 | Program | |
| 19 | Exhibit 16 Email from Helen Miller to various | 104 |
| 20 | recipients, October 3, 2020 | |
| 21 | Exhibit 17 November 17, 2020 Coalition for TJ | 108 |
| 22 | press release | |

Transcript of Glenn Miller, Designee

Conducted on October 18, 2021

5

1 | EXHIBITS CONTINUED

2 | Previously Marked:

3 | Coalition Exhibit:

4 Exhibit 1 Defendant's Notice of Deposition of 10
5 Plaintiff

6

7

8

8

1

—

1

1

1

2

2

2

1 Q When did the coalition decide to file
2 the lawsuit in federal court?

3 A It was an iterative process, but over a
4 series of weeks there were discussions, but --

5 MR. ROPER: And I direct the witness to
6 not disclose the content of any discussions with
7 counsel for the coalition.

8 A My recollection is late last year,
9 there was discussion amongst the core members as
10 to -- as to the -- as to whether to file the
11 lawsuit, and it was agreed that if -- it was
12 agreed that if the lawsuit was taken up by Pacific
13 Legal, that we would agree to proceed.

14 Q Was there an event that led to the
15 decision to file the lawsuit on the coalition's
16 side?

17 A I don't understand the question.

18 Q Well. Was the decision to file the
19 lawsuit made before or after the December 17th
20 vote of the school board?

21 A After.

22 Q How long after?

1 schools in the southern part of the county, of
2 Fairfax County in particular, where the percentage
3 of African-American is higher than the average of
4 the county.

5 Q So when you say "southern part," how
6 does that compare to the distribution of Asians,
7 if you know, that's shown on this chart?

8 A The Asian-American population is very
9 much centered around a couple of three middle
10 schools: Rachel Carson, Cooper, and Longfellow,
11 and particularly Rachel Carson. And one of the
12 things we noted, at least in one of the
13 iterations, is that the county grouped Cooper,
14 which is one of the highest Asian-American
15 populations, with Rachel Carson, who was all the
16 way on the other side of the county, and they put
17 them two together and they just -- those happened
18 to be two of the schools with the highest Asian
19 population.

20 Q When you say "grouped together," you're
21 talking about the regions of Fairfax County?

22 A Yeah, educational regions. Which is

1 not, you know, it's not necessarily the most
2 optimal system.

3 Q So it was the only formal proposal that
4 was written up and given to the board, but was it
5 intended to be the coalition's position on how
6 TJ's admissions should be done?

7 MS. REWARI: Objection. Leading.

8 A It was a -- it was a compromised
9 proposal to deal with the current situation. It
10 was not our optimal position. Our optimal
11 position was some variation of what was originally
12 in place, with the standardized test.

13 Q And so does the coalition believe that
14 the second-look proposal was preferable to keeping
15 the preexisting admission system?

16 A No.

17 Q Is it the coalition's responsibility to
18 come up with an admissions system for TJ?

19 MS. REWARI: Objection. Calls for a
20 legal conclusion.

21 A No. It's -- that's up to the county
22 and it's up to the judge.

1 Q And is it the coalition's
2 responsibility to make sure that the TJ admissions
3 system complies with the Constitution?

4 A Ask that question again.

5 Q Is it the coalition's responsibility to
6 implement an admissions system that complies with
7 the Constitution?

8 A It's the coalition's mission to --

9 Q If I said mission, I meant to say
10 responsibility.

11 Whose responsibility is it to make sure
12 that the TJ admissions --

13 A Well, we take it upon ourselves as a
14 responsibility to ask the Court to implement a
15 constitutional admissions system.

16 Q That's a helpful clarification.

17 But outside of the litigation, it is --
18 is it the coalition's responsibility to come up
19 with a constitutional admissions system?

20 A No.

21 Q Or is that the board's responsibility?

22 A It's the board's responsibility. It's

Transcript of Glenn Miller, Designee

Conducted on October 18, 2021

137

1 CERTIFICATE OF REPORTER - NOTARY PUBLIC

2 I, JUDITH E. BELLINGER, RPR, CRR, the
3 officer before whom the foregoing deposition was
4 taken, do hereby certify that the foregoing
5 transcript is a true and correct record of the
6 testimony given; that said testimony was taken by
7 me and thereafter reduced to typewriting under my
8 direction; that reading and signing was not
9 requested; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 5th day
15 of November, 2021.

16 My Commission Expires: September 30, 2024

17 
18

19

20 NOTARY PUBLIC IN AND FOR

21 THE COMMONWEALTH OF VIRGINIA

22

No. 404859

Re: Deposition of **Glenn Miller, Designee**

Date: 10/18/2021

Case: Coalition for TJ -v- Fairfax County School Board

Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Glenn Miller, Designee, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

11/30/2021

(Date)



(Signature)

No. 404859

Re: Deposition of **Glenn Miller, Designee**

Date: 10/18/2021

Case: Coalition for TJ -v- Fairfax County School Board

Return to: transcripts@planetdepos.com

Coalition should be capitalized.

Global change

11/30/2021

(Date)

John. M. Bell

(Signature)

No. 404859

Re: Deposition of **Glenn Miller, Designee**

Date: 10/18/2021

Case: Coalition for TJ -v- Fairfax County School Board

Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Glenn Miller, Designee, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

11/30/2021 

(Date)

(Signature)

No. 404859

Re: Deposition of **Glenn Miller, Designee**

Date: 10/18/2021

Case: Coalition for TJ -v- Fairfax County School Board

Return to: transcripts@planetdepos.com

Coalition should be capitalized..

Global change

11/30/2021

(Date)

John. M. Bell

(Signature)